

**MOVANT'S COUNSEL IS DIRECTED TO SERVE A
COPY OF THIS ORDER ON ALL PARTIES UPON
RECEIPT VIA FACSIMILE.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

SPREAD ENTERPRISES, INC., d/b/a OLA
BRASIL, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

FIRST DATA MERCHANT SERVICES
CORPORATION, and
WELLS FARGO BANK, N.A.,

Defendants.

Civil Action No. 11-4743

Judge Arthur D. Spatt

Magistrate Judge A. Kathleen Tomlinson

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 12 2014 ★

LONG ISLAND OFFICE

**STIPULATION REGARDING DEFENDANTS' BILL OF COSTS
AND MOTION FOR AN AWARD OF COSTS UNDER 28 U.S.C. § 1919**

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff, Spread Enterprises, Inc., d/b/a Ola Brasil ("Spread") and defendants, First Data Merchant Services Corporation and Wells Fargo Bank, N.A. (collectively, "Defendants"), as follows:

1. On February 22, 2014, the Court entered a Memorandum Decision and Order (the "Order and Judgment") denying Spread's motion for class certification and dismissing without prejudice Spread's claim for breach of contract for lack of subject matter jurisdiction.
2. On February 25, 2014, the Court entered judgment in favor of Defendants and dismissed the above-captioned proceedings.
3. Spread intends to file a notice of appeal with respect to the Order and Judgment.

4. Defendants intend to file a bill of costs with respect to certain of Spread's causes of action under Federal Rule of Civil Procedure 54 and Local Civil Rule 54.1, and a motion for an award of costs under 28 U.S.C. § 1919.

5. In light of the fact that Spread intends to appeal the Order and Judgment, the parties have agreed that Defendants may hold in abeyance the filing of any bill of costs and/or motion for an award of costs pending the final disposition of Spread's appeal.

6. The parties have further agreed that Defendants shall file a bill of costs and/or motion for an award of costs, if any, no later than thirty (30) days after the final disposition of Spread's appeal.

7. By entering into this Stipulation, Spread does not concede that Defendants are entitled to costs, and expressly reserves all rights, arguments and objections that Spread may present in opposition to such bill of costs and/or motion for an award of costs that Defendants may file. Similarly, Defendants do not concede that Spread has any basis to object to Defendants' bill of costs and/or motion for an award of costs, and expressly reserve all rights, arguments and claims that they may present in support of such bill of costs and/or motion. The parties are entering into this Stipulation for the purpose of preserving the Court's and the parties' resources during the pendency of Plaintiff's appeal.

Respectfully submitted,



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Dated: March 10, 2014

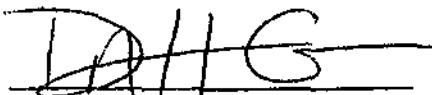
SO ORDERED:

s/ Arthur D. Spatt

Hon. Arthur D. Spatt
United States District Judge

3/12/14

Respectfully submitted,



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Dated: March 10, 2014